RANDOM THOUGHTS

Court views electronic mail like any printed document

American democracy won a quiet but important victory in federal court recently.

In a unanimous ruling, a three-judge panel of the U.S. Court of Appeals in District Columbia held that government "E-mail" — computer messages disseminated and stored electronically — must be preserved and made available to the public on the same basis as printed documents.

The Bush and Clinton administrations had attempted to argue that computer memos didn't fall under the Federal Records Act and could therefore be discarded at will by government bureaucrats. After all, that 1950-vintage law didn't mention E-mail or optical disks; its authors probably never imagined that such things would be invented, much less come to play a key role in government archives and communications.

But times change. Since the personal computer came into its own during the Reagan administration, memos have been increasingly transmitted directly from machine to machine rather than typed or printed and mailed the old-fashioned way. Since the early 1980s, the equivalent of millions of pages of memos have been stored on computer disks.

It should go without saying that, under the records act, these files ought to be treated like their hard-copy equivalents. Otherwise, agency heads could subvert the law with ridiculous ease simply by routing all important communications through E-mail. The personal computer would then become a grand tool for expanding government secrecy.

But courts have long recognized that old laws have to be understood in light of new technologies. That's why police can't eavesdrop without a warrant or shut down TV shows they find offensive — even though the authors of the Constitution never spent a minute worrying about secret microphones or the legali-

ties of electronic broadcasting.

— The Morning News Tribune, Tacoma, Wash.

Clipping through JFK files

Researchers are lining up to start poring over the more than 800,000 pages of documents on the assassination of President John F. Kennedy that were released by the National Archives in Washington this week. But the biggest surprise, according to experts who are already familiar with the records, is likely to come when first-time readers discover how much of this once-secret material consists of newspaper clippings.

All of these documents have already been reviewed, either by the original Warren Commission that investigated the assassination, the Rockefeller commission study on CIA domestic activities in 1975, or the House Select Committee on Assassinations in 1979. The Warren Commission concluded that Lee Harvey Oswald acted alone. The House Select Committee agreed that Oswald killed Kennedy, but admitted that there was evidence that there may have been a second gunman at the scene.

Turning all of this material over to the public now isn't likely to be any more successful than those earlier studies at resolving the ongoing controversy over the young president's murder.

What the documents do provide is vivid evidence of the horror, fear and confusion that swept through the country in the first hours and days after Kennedy's death. Particularly revealing in this respect are the Central Intelligence Agency records in which hearsay, rumor, gossip and innuendo were all swept in together as the agency scrambled to ascertain who, if anyone, might have arranged the attack and whether this was only the first act of some broader assault.

Edward Jay Epstein, who has written three books and an anthology on the subject, observed this week that there's enough new detail here to feed another generation of assassination buffs. That's not a prospect that most Americans need to view with more than a sense of weary resignation. But the appetite for more is apparently insatiable.

David W. Belin, former counsel to the Warren Commission and executive director of the Rockefeller study, argues that hundreds of thousands more documents must be released in order to correct the "misrepresentations of the truth by Hollywood." What he had in mind was the Oliver Stone film "J.F.K.," which prompted Congress to call for the release of this material last year. The problem is that Hollywood will continue to spin its fantasies as long as there's a ready market of those who are willing to listen. And no act of Congress is going to stop that.

— The Sacramento Bee